

1 District Judge Kymberly K. Evanson
2
3
4
5
6
7
8

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 NAUSICAA MARIE-MADELEINE
10 HABIMANA KANTENGWA,

11 Plaintiff,

12 v.

13 ALEJANDRO MAYORKAS, *et al.*,

14 Defendants.

Case No. 2:24-cv-00327-KKE

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

15
16 Plaintiff and Defendants, by and through their counsel of record, pursuant to Federal
17 Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and
18 move to hold this case in abeyance until January 17, 2025. Plaintiff brought this litigation
19 pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel
20 the U.S. Citizenship and Immigration Services (“USCIS”) adjudicate her Form I-589,
21 Application for Asylum and for Withholding of Removal. Defendants’ response to the
22 Complaint is currently due on August 23, 2024. The parties are currently working towards a
23 resolution to this litigation. For good cause, the parties request that the Court hold the case in
24 abeyance until January 17, 2025.

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R.
5 Civ. P. 1.

6 With additional time, this case may be resolved without the need of further judicial
7 intervention. USCIS has scheduled Plaintiff’s asylum interview for September 20, 2024.
8 USCIS agrees to diligently work towards completing the adjudication within 120 days of the
9 interview, absent unforeseen or exceptional circumstances that would require additional time for
10 adjudication. If the adjudication is not completed within that time, USCIS will provide a status
11 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to
12 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit
13 documents prior to the interview may require the interview to be rescheduled and the
14 adjudication delayed. After the interview, USCIS will need time to adjudicate Plaintiff’s
15 asylum application. Once the application is adjudicated, Plaintiff will dismiss the case with
16 each party to bear their own litigation costs and attorneys’ fees. Accordingly, the parties
17 request this abeyance to allow USCIS to conduct Plaintiff’s asylum interview and then process
18 her asylum application.

19 As additional time is necessary for this to occur, the parties request that the Court hold
20 the case in abeyance until January 17, 2025. The parties will submit a joint status report on or
21 before January 17, 2025.

22 //

23 //

24 //

1 DATED this 19th day of August, 2024.

2 Respectfully submitted,

3 TESSA M. GORMAN
United States Attorney

4 *s/ Michelle R. Lambert*
5 MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorney
6 United States Attorney's Office
Western District of Washington
7 1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: (253) 428-3824
Fax: (253) 428-3826
9 Email: michelle.lambert@usdoj.gov

LAW OFFICE OF DANIEL J. SMITH, PLLC

s/ Daniel J. Smith
6 DANIEL J. SMITH, WSBA #30521
145 NW 85th Street, Suite 103
Seattle, Washington 98117
Phone: (206) 438-8720
Email: daniel@danielsmithlawoffice.com

7 *Attorney for Plaintiff*

10 *Attorneys for Defendants*

11 ***I certify that this memorandum contains 392
words, in compliance with the Local Civil
Rules.***

13
14
15
16
17
18
19
20
21
22
23
24

ORDER

The Court GRANTS the parties' stipulated motion (Dkt. No. 11) to hold this case in abeyance until January 17, 2025. The parties shall submit a joint status report on or before January 17, 2025.

DATED this 20th day of August, 2024.

Kimberly A. Hanson

Kymberly K. Evanson
United States District Judge